

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUB-TITLE 1 ADMINISTRATION

CHAPTER 1

RULES OF PRACTICE AND PROCEDURE

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Historical Note: Chapter 1 of Title 13, Administrative Rules, is based substantially upon the Rules of Practice and Procedure before the Board of Land and Natural Resources.
[Eff. 7/26/62; R JUN 22 1981]

SUBCHAPTER 1

GENERAL PROVISIONS

§13-1-1 Purpose. This chapter governs practice and procedure before the board of land and natural resources of the State under Chapter 91, Hawaii Revised Statutes, the land laws of the State and such other related acts as may now or hereinafter be administered by the board. These rules shall be construed to secure the just, speedy, and inexpensive determination of every proceeding. [Eff. JUN 22 1981]
(Auth: HRS §171-6) (Imp: HRS §91-2)

§13-1-2 Definitions. (a) As used in this title, unless the context requires otherwise:

"Board" means the board of land and natural resources.

"Chairperson" means the chairperson of the board of land and natural resources.

"Department" means the department of land and natural resources.

"Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party in a proceeding.

"Petitioner" means the party on whose behalf the petition or application is made.

"Proceeding" means the board's elucidation of the relevant facts and applicable law, consideration thereof, and action thereupon with respect to a particular subject within the board's jurisdiction, initiated by a filing or submittal or request or a board's notice or order, and shall include but not be limited to:

- (1) Proceeding involving the adoption of forest reserve or watershed boundaries;
- (2) Petitions for the creation of land use sub-zones in conservation districts;
- (3) Proceedings involving the adoption of forest, forest reserve, watershed, fish and game, water, parks, historical sites, recording and land development, use, management, disposal and acquisition rules;

- (4) Petitions or applications for the granting of any right, privilege, authority, or relief under or from any provision of law or of any rule or requirement made pursuant to a power granted by law;
- (5) An investigation or review instituted or requested to be instituted by the board;
- (6) Other proceedings involving the adoption, amendment, or repeal of any rule of the board, whether initiated by board order or notice or by petition of an interested person.

"Public records" is defined in section 92-50, Hawaii Revised Statutes. The term shall include all rules, written statements of policy or interpretation formulated, adopted or used by the board, all final opinions and orders, the minutes of meetings of the board and any other material required by law to be kept on file in the office of the board unless accorded confidential treatment pursuant to statute or the rules of the board.

(b) Unless otherwise specifically stated, the terms used in the rules adopted by the board pursuant to powers granted by statute shall have the meaning defined by such statute.

(c) A rule which defines a term without express reference defines the terms for all purposes as used both in the statute and in these rules, unless the context otherwise specifically requires.

[Eff. JUN 22 1991] (Auth: HRS §§91-2, 171-6)
(Imp: HRS §§91-2, 171-6)

§13-1-3 Office. The principal office of the board is at the Kalanimoku building, Honolulu, Hawaii. All communications to the board shall be addressed to the board of land and natural resources, 1151 Punchbowl Street, Honolulu, Hawaii, unless otherwise specifically directed. [Eff. JUN 22 1991] (Auth: HRS §91-2)
(Imp: HRS §91-2)

§13-1-4 Hours. The offices of the board shall be open from 7:45 a.m. to 4:30 p.m. of each day of the week except Saturday and Sundays and holidays unless otherwise provided by statute or executive order. [Eff. JUN 22 1991]
(Auth: HRS §91-2) (Imp: HRS §§80-1, 91-2)

§13-1-5 Sessions. (a) The board meets and exercises its powers in any part of the State of Hawaii.

(b) Regular meetings of the board shall be held in Honolulu, on the second and fourth Fridays of each and every month; provided, however, that the board may establish another place or date for any regular meeting but shall give prior notice of the proposed changes in a newspaper of general circulation at least one week prior to the affected regular meeting.

(c) Special meetings may be convened by the chairperson of the board at any time by giving notice to each member present in the State at least five days prior to the date of the meeting; provided however that the notice shall not be required if all members present in the State agree and sign a written waiver of the notice. No final action involving disposition of public lands may be had at the special meeting.

(d) All meetings of the board shall be open to the public; provided, that the board may meet in executive session, from which the public may be excluded, by a recorded vote of two-thirds of the members present. No order, ruling, contract, appointment, or decision shall be finally acted upon at the executive session.

[Eff. JUN 22 1981] (Auth: HRS §171-6)

(Imp: HRS §§171-5, 92-3, 92-4)

§13-1-6 Quorum. Four members of the board shall constitute a quorum to transact business and the concurrence of a simple majority of the members of the board shall be necessary to make any action of the board valid. [Eff. JUN 22 1981]

(Auth: HRS §171-6) (Imp: HRS §171-5)

§13-1-7 Authentication. All orders and other actions of the board shall be authenticated or signed by the chairperson or other persons authorized by the board. [Eff. JUN 22 1981] (Auth: HRS §171-6)

(Imp: HRS §171-7)

§13-1-8 Chairperson. (a) The chairperson shall, in addition to any other duties, have charge of the board's official records and shall be responsible for the maintenance and custody of the files and records of the board, including the transcripts of testimony and exhibits, with all papers and requests filed in

proceedings, the minutes of all action taken by the board and all its findings, determinations, reports, opinions, orders, rules, and approved forms.

(b) The chairperson shall also prepare for submission by the board an annual report of the department's activities, accomplishments, and recommendations to the governor and to the legislature through the governor. [Eff. JUN 22 1981]
(Auth: HRS §171-6) (Imp: HRS §§171-6, 171-7)

§13-1-9 Public records. (a) All public records shall be available for inspection in the office of the board, Honolulu, Hawaii, during established office hours unless public inspection of these records is in violation of any state or federal law; provided that except where the records are open under any rule of court, the attorney general may determine which records may be withheld from public inspection when the records pertain to the preparation of the prosecution or defense of any action or proceeding to which the State is or may be a party, or when the records do not relate to a matter in violation of law and are deemed necessary for the protection of the character or reputation of any person.

(b) Public records printed or reproduced by the board in quantity shall be given to any person requesting the same by paying the fees established by the board or by law. Photocopies of public records shall be made and given by the director to any person upon request and upon payment of the fees established by the board or by law. Certified copies of extracts from public records shall also be given by the director upon payment of the fees established by the board or by law.

(c) Requests for public information, for permission to inspect official records, or for copies of public records shall be handled with due regard for the dispatch of other public duties. [Eff. JUN 22 1981]
(Auth: HRS §171-6) (Imp: HRS §§91-2, 92-21, 92-51)

SUBCHAPTER 2

PROCEEDINGS BEFORE THE BOARD

§13-1-10 Appearance and practice before the board. (a) A person may appear in the person's own behalf, a partner may represent the partnership, a bona fide officer or employee of a corporation or trust or association may represent the corporation, trust or association, and an officer or employee of an agency may represent the agency in any proceeding before the board.

(b) A person may be represented by or with counsel or other duly qualified representatives in any proceeding under these rules.

(c) A person shall not be represented in any proceeding before the board or a hearing officer except as stated in subsections (a) and (b) of this section.

(d) When a person acting in a representative capacity appears in person or signs any document or other papers in practice before the board, the person shall show the authority to act in that capacity.

(e) No person who has been associated with the board as a member, officer, employee, or counsel shall be permitted at any time to appear before the board in behalf of or to represent in any manner, any party in connection with any proceeding or matter which the person has handled or passed upon while associated in any capacity with the board.

(f) No person who has been associated with the board as a member, officer, employee, or counsel thereof shall be permitted to appear before the board in behalf of, or to represent in any manner, any person in connection with any proceeding or matter which was pending before the board at the time of the person's association with the board unless the person shall first have obtained the written consent of the board upon a verified showing that the person did not give personal consideration to the matter or proceeding which the consent is sought or gain particular knowledge of the facts thereof during the person's association with the board. [Eff. JUN 22 1991]

(Auth: HRS §171-6) (Imp: HRS §91-2)

§13-1-11 Proceedings before the board. (a) The board may on its own motion or on petition or application of any interested person or persons or an agency of the state or county government hold proceedings as necessary from time to time for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties, or the formulation of its rules.

(b) For the purposes permitted by law, the board may subpoena witnesses and require the production of evidence.

(c) The board shall follow procedures that, in its opinion, best serve the purposes of the proceedings, unless specifically prescribed in these rules or chapter 91, Hawaii Revised Statutes.

(d) Any rule in this chapter may be suspended or waived by the board or the presiding officer to prevent undue hardship in any particular instance.

(e) Proceedings shall be commenced by order of the board upon its own motion, or by the filing of a petition or application the processing of which necessitates a statutory hearing. [Eff. JUN 22 1981]
(Auth: HRS §171-6) (Imp: HRS §§91-2, 92-16)

§13-1-12 Filing of documents. (a) All pleadings, applications, submittals, petitions, reports, maps, exceptions, briefs, memoranda, and other papers required to be filed with the board in any proceeding shall be filed with the chairperson. These papers may be sent by mail or hand-carried to the board office in Honolulu, Hawaii, within the time limit, if any, for filing. The date on which the papers are actually received by the office of the chairperson shall be deemed to be the date of filing.

(b) All papers shall be written, typewritten, or printed and signed in ink by the party signing the same or the party's duly authorized agent or attorney. The signature shall be legible. The signature of the person signing the document constitutes a certification that the person has read the document, that to the best of that person's knowledge, information, and belief every statement contained in the document is true and no statements are misleading; and that it is not interposed for delay.

(c) Unless otherwise specifically provided by a particular rule or order of the board, an original and three copies of all papers shall be filed.
[Eff. JUN 22 1981] (Auth: HRS §171-6)
(Imp: HRS §91-2)

§13-1-13 Computation of time. Computation of time shall be as established by §1-29, HRS.
[Eff. JUN 22 1981] (Auth: HRS §171-6)
(Imp: HRS §§1-29, 91-2)

§13-1-14 Continuances or extensions of time.
Whenever a person or agency has a right or is required to take action within the period prescribed or allowed by these rules, by notice given thereunder or by an order, the board or its chairperson may, for good cause and if permitted by law:

- (1) Before the expiration of the prescribed period, with or without notice, extend the period; or
 - (2) Upon application, permit the act to be done after the expiration of a specified period.
- [Eff. ~~JUN 22 1981~~] (Auth: HRS §171-6)
(Imp: HRS §91-2)

§13-1-15 Amendment or refusal of documents.
If any document filed with the board is not in substantial conformity with rules of the board as to the contents thereof, or which is otherwise insufficient, the board may refuse to accept the document, or may require its amendment. [Eff. ~~JUN 22 1981~~] (Auth: HRS §171-6)
(Imp: HRS §91-2)

§13-1-16 Retention of documents by the board.
All documents filed with or presented to the board may be retained in the files of the board. The board may permit the withdrawal of original documents upon submission of properly authenticated copies to replace the documents. [Eff. ~~JUN 22 1981~~] (Auth: HRS §171-6)
(Imp: HRS §§91-2, 171-7)

§13-1-17 Board decision. All final orders, opinions or rulings entered by the board in a proceeding and rules and written policies promulgated by the board shall be served upon the parties or persons participating in the proceeding by regular mail or personal delivery by the board and may be released for general publication. Copies of the published materials shall be available for public inspection in the offices of the board or may be obtained upon request and upon payment of charges, if any.
[Eff. ~~JUN 22 1981~~] (Auth: HRS §171-6)
(Imp: HRS §91-2)

§13-1-18 Counsel for the board. The attorney general, as counsel for the board, shall be a party to all proceedings governed by these rules. The attorney general or representative of the attorney general shall be designated as "Counsel for the Board," and shall be served with copies of all papers, pleadings, maps and documents and other papers as are all other parties to the same proceeding. [Eff. ~~JUN 22 1981~~]
(Auth: HRS §171-6) (Imp: HRS §§28-4, 91-2)

§13-1-19 Substitution of parties. Upon motion and for good cause shown, the board may order substitution of parties; provided that in case of death of a party, substitution may be ordered without the filing of a motion. [Eff. JUN 22 1981]
(Auth: HRS §171-6) (Imp: HRS §91-2)

§13-1-20 Consolidations. The board, upon its own initiation or upon motion, may consolidate for hearing or for other purposes or may contemporaneously consider two or more proceedings which involve substantially the same parties or issues which are the same or closely related, if it finds that the consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings.
[Eff. JUN 22 1981] (Auth: HRS §171-6)
(Imp: HRS §91-2)

SUBCHAPTER 3

RULEMAKING PROCEEDINGS

§13-1-21 Initiating proceedings. Pursuant to petition, or upon its own motion, when the board proposes to issue, amend, or repeal a rule, a public hearing shall be held as provided by law.
[Eff. JUN 22 1981] (Auth: HRS §171-6)
(Imp: HRS §§91-3, 91-6)

§13-1-22 Notice. (a) Notice of proposed rule-making shall be published at least once in a newspaper of general circulation in the State and in each County affected by the proposed rule. All notices shall be issued at least twenty days prior to the date set for public hearing.

(b) A notice of the proposed issuance, amendment, or repeal of a rule shall include:

- (1) A statement of the date, time, and place where the public hearing shall be held;
- (2) Reference to the authority under which the issuance, amendment, or repeal of a rule is proposed;
- (3) A statement of the substance of the proposed rulemaking; and
- (4) In the case of a proposal to establish, change, or review forest reserve or watershed boundaries, in addition to the foregoing, a

statement of the time and place where maps showing the proposed or existing boundaries within the county may be inspected prior to the public hearing.

(c) In any rulemaking proceeding where the board deems it warranted, a further notice of proposed rulemaking may be issued by publication thereof in a newspaper of general circulation in the State.

[Eff. JUN 22 1981] (Auth: HRS §171-6)
(Imp: HRS §§91-3, 91-6)

§13-1-23 Time and place. Each hearing shall be held at the time and place set in the notice of hearing, but may at that time and place be continued by the presiding officer from day to day or adjourn to a later date or to a different place without notice other than the announcement thereof at the hearing. Where the proposed rulemaking affects only one county, the public hearing shall be held in that county. [Eff. JUN 22 1981]
(Auth: HRS §171-6) (Imp: HRS §§91-3, 92-16)

§13-1-24 Conduct of rulemaking hearings. (a) Each hearing shall be presided over by the chairperson of the board or by its designated representative. The hearing shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary to the orderly conduct of the hearing.

(b) At the commencement of the hearing, the presiding officer shall read the pertinent portions of the notice of the hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in the order the presiding officer shall prescribe.

(c) All interested persons shall be given reasonable opportunity to offer evidence with respect to the matters specified in the notice of hearing. Every witness may, before proceeding to testify, be sworn, and may be required thereafter to state the witness' name, address, and whom the witness represents at the hearing, and give any other information respecting the witness' appearance as the presiding officer may request. The presiding officer shall confine the evidence to the questions before the hearing but shall not apply the

technical rules of evidence. Every witness shall be subject to questioning by the presiding officer or by any other representative of the board, but cross-examination by private persons shall not be permitted except if the presiding officer expressly permits it.

(d) All interested persons or agencies of the State or its political subdivisions shall be afforded an opportunity to submit data, views or arguments which are relevant to the issues. In addition, or in lieu thereof, persons or agencies may also file with the board within fifteen days following the close of public hearing a written protest or other comments or recommendations in support of or in opposition to the proposed rulemaking. Persons designated by the presiding officer shall be furnished with copies of any written protest or other comments or recommendations, and they shall be afforded a reasonable time within which to file their comments in reply to the original protest, comments, or recommendations. Written protest, comments, or recommendations or replies thereto shall not be accepted unless an original and ten copies (or lesser number of copies as may be specifically agreed to by the presiding officer) are filed. The period for filing written protest, comments, or recommendations may be extended by the presiding officer for good cause.

(f) Unless otherwise specifically ordered by the board or the presiding officer, testimony given at the hearing need not be reported verbatim. All supporting written statements, maps, charts, tabulations, or similar data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of the required number of copies impracticable and reduces the number, eleven copies of the exhibits shall be submitted.

(g) At the close of the final public hearing, the board shall announce the date when its decision shall be announced, or the board may, if it so desires, make the decision at the public hearing. The board shall consider all relevant comments and material of record before taking final action in a rulemaking proceeding.

[Eff. JUN 22 1981] (Auth: HRS §171-6)
(Imp: HRS §§91-3, 92-16)

§13-1-25 Emergency rulemaking. Notwithstanding the foregoing rules, if the board finds that an imminent peril to public health, safety, or morals requires adoption, amendment, or repeal of a rule upon less than twenty days' notice of hearing, and states in writing its reason for the finding, it may proceed without prior notice or hearing or upon an abbreviated notice and hearing to adopt an emergency rule to be effective for a period not longer than 120 days without renewal.
[Eff. JUN 22 1981] (Auth: HRS §171-6)
(Imp: HRS §91-3)

§13-1-26 Petitions for adoption, amendment or repeal of rules. (a) Any interested person or any agency of the state or county government may petition the board for the issuance, amendment, modification, or repeal of any rule which is designed to implement, interpret, or prescribe law, policy, organization, procedure, or practice requirements of the board.

(b) Petitions for rulemaking shall set forth the text of any proposed rule or amendment desired or specifying the rule the repeal of which is desired and stating concisely the nature of the petitioner's interest in the subject matter and the reasons for seeking the issuance, amendment, or repeal of the rule and shall include any facts, views, arguments, and data deemed relevant by petitioner. The board may require the petitioner to adequately and properly notify persons or governmental agencies known to be interested in the proposed rulemaking of the existence of the filed petition. No request for the issuance, amendment, modification, or repeal of a rule which does not conform to the requirements set forth above shall be considered by the board.

(c) Petitions for rulemaking shall become matters of public record upon filing. The board shall within thirty days following the filing of the petition either deny the petition in writing or initiate public rulemaking procedures. No public hearing, oral argument, or other form of proceedings need be held, but if the board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rulemaking proceedings, the procedures to be followed shall be as set forth in §13-1-21 and §13-1-22. Where the board determines that the petition does not disclose sufficient reasons to justify the institution of public rulemaking procedures, or where the petition for rulemaking fails in any material respect to comply with the requirements of these rules, the petitioner shall be so notified together with the grounds for the denial. The provisions of this section

shall not operate to prevent the board, on its own motion, from acting on any matter disclosed in any petition. [Eff. JUN 22 1981] (Auth: HRS §171-6) (Imp: HRS §§91-6, 92-16)

SUBCHAPTER 4

SPECIAL PROCEEDINGS

§13-1-27 Petition for declaratory rulings. (a) On petition of an interested person, the board may issue a declaratory order regarding the applicability of any statutory provision or of any rule or order of the board. Petitions for the issuance thereof shall state clearly and concisely the controversy or uncertainty, shall cite the statutory authority involved, shall include a complete statement of the facts and the reasons or grounds prompting the petition, together with full disclosure of petitioner's interest and shall conform to the requirements of §13-1-12.

(b) The board, upon receipt of the petition, may require the petitioner to file additional data or a memorandum of legal authorities in support of the position taken by the petitioner.

(c) The board may, without notice or hearing, dismiss a petition for declaratory ruling which fails in any material respect to comply with the requirements of this section.

(d) After review of the information filed pursuant to this section the board may order a hearing on the petition. Any petitioner or interested party who requests a hearing on the petition shall set forth in writing the reasons why the information filed will not permit a fair and expeditious disposition of the petition. If the request for hearing is dependent upon factual assertion, affidavits establishing those facts shall accompany the request. In the event a hearing is ordered by the board, §§91-9 through 91-13, Hawaii Revised Statutes, shall govern the proceeding.

(e) Notwithstanding the other provisions of this section, the board may, on its own motion or upon request but without notice or hearing, issue a declaratory order to terminate a controversy or to remove uncertainty. [Eff. JUN 22 1981] (Auth: HRS §171-6) (Imp: HRS §§91-8, 92-16)

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 1 ADMINISTRATION

CHAPTER 1 RULES OF PRACTICE AND PROCEDURE

Adopting Rules for Contested Case Hearings

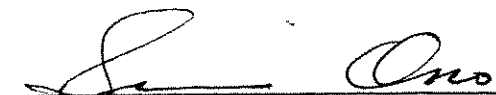
Summary

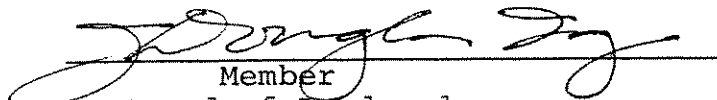
1. Section 13\1-2 of Title 13, Chapter 1, entitled "Definitions" is amended.
2. Subchapter 4 of Title 13, Chapter 1, is amended to read "Declaratory Rulings."
3. Subchapter 5 of Title 13, Chapter 1, providing for "Contested Case Proceedings" is adopted.

DEPARTMENT OF LAND AND NATURAL RESOURCES

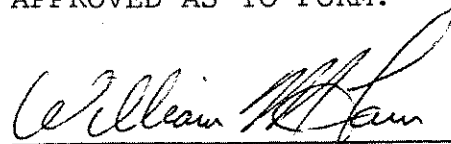
The rules amending section 13-1-2 entitled "Definitions" and adopting subchapter 4 entitled "Contested Case Hearings", both of Title 13, Chapter 1, Rules of Practice and Procedure before the Board of Land and Natural Resources on the Summary Page dated August 27, 1982, were adopted on August 27, 1982, by the Board of Land and Natural Resources following public hearings on August 5, 1982, after public notice was given in the Honolulu Star-Bulletin, Honolulu Advertiser, Garden Island News, Hawaii Tribune Herald and the Maui News on July 16, 1982.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.


Chairperson and Member
Board of Land and
Natural Resources


Member
Board of Land and
Natural Resources

APPROVED AS TO FORM:


Deputy Attorney General


Governor

Date Filed

REC'D. BY

1982 AUG 27 PM 1 41

LT. GOVERNOR'S OFFICE

"Sec. 13-1-2 Definitions. (a) As used in this title, unless the context requires otherwise:

"Board" means the board of land and natural resources.

"Chairperson" means the chairperson of the board of land and natural resources.

"Contested case" means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for an agency hearing.

"Department" means the department of land and natural resources.

"Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party in any court or agency proceeding.

"Person" means as appropriate individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies.

"Petitioner" means the person or agency on whose behalf the petition or application is made.

"Presiding officer" means the person conducting the hearing which shall be the chairperson or the chairperson's designated representative.

"Proceeding" means the board's consideration of the relevant facts and applicable law, consideration thereof, and action thereupon with respect to a particular subject within the board's jurisdiction, initiated by a filing or submittal or request or a board's notice or order, and shall include but not be limited to:

- (1) Proceeding involving the adoption of forest reserve or watershed boundaries;
- (2) Petitions for the creation of land use sub-zones in conservation districts;
- (3) Proceedings involving the adoption of forest, forest reserve, watershed, fish and game, water, parks, historical sites, recording and land development, use, management, disposal and acquisition rules;

- (4) Petitions or applications for the granting or declaring any right, privilege, authority, or relief under or from any provision of law or of any rule or requirement made pursuant to a power granted by law;
- (5) An investigation or review instituted or requested to be instituted by the board;
- (6) Other proceedings involving the adoption, amendment, or repeal of any rule of the board, whether initiated by board order or notice or by petition of an interested person.

"Public hearing" means a hearing required by law in which members of the public generally may comment upon a proposed rule or application.

"Rules" means the rules of practice and procedure before the board.

"Public records" is defined in section 92-50, Hawaii Revised Statutes. The term shall include all rules, written statements of policy or interpretation formulated, adopted or used by the board, all final opinions and orders, the minutes of meetings of the board and any other material required by law to be kept on file in the office of the board unless accorded confidential treatment pursuant to statute or the rules of the board." [Eff. 6/22/81; SEP 07 1982 (Auth: HRS §§91-2, 171-6) (Imp: HRS §§91-2, 91-8, 171-6)

"Subchapter 4 Declaratory Rulings."

"SUBCHAPTER 5
CONTESTED CASE PROCEEDINGS

§13-1-28 Contested case hearings. When required by law, the board shall hold a contested case hearing upon its own motion or on the written petition of any government agency or any interested person who is properly admitted as a party pursuant to section 13-1-31. Unless specifically prescribed in this chapter or by chapter 91, Hawaii Revised Statutes, the board may adopt procedures that in its opinion will best serve the purposes of the hearings. Where a public hearing is required by law, it shall be held prior to the contested case hearing. [Eff. SEP 07 1982 (Auth: HRS §§91-2, 171-6) (Imp: HRS §91-9)]

§13-1-29 Request for hearing. (a) A hearing on a contested matter may be requested by the board on its own motion or upon the written petition of any government agency or any interested person who then properly qualifies to be admitted as a party. An oral or written request for a contested case hearing must be made by the close of the public hearing (if one is required) or the board meeting at which the matter is scheduled for disposition (if no public hearing is required). In either situation, the person or agency requesting the contested case hearing must file (or mail and postmark) a written petition with the board not later than ten days after the close of the public hearing or the board meeting, whichever is applicable. The time for making an oral or written request and submitting a written petition may be waived by the board.

(b) A petition requesting a contested case hearing shall contain concise statements of:

- (1) The legal authority under which the proceeding, hearing or action is to be held or made;
- (2) The petitioner's interest that may be affected;
- (3) The disagreement, denial, or grievance which is being contested by the petitioner;
- (4) The basic facts and issues raised; and
- (5) The relief to which the party or petitioner seeks or deems itself entitled.

[Eff. SEP 07 1982 (Auth: HRS §91-2)

(Imp: HRS §91-9)

§13-1-30 Notice of hearing. After a determination is made that a contested case hearing is required, the written notice of hearing shall be served on parties in accordance with section 91-9.5, Hawaii Revised Statutes, and shall be served on all persons or agencies admitted as a party at their last recorded addresses at least fifteen days before the hearing date. Further, the notice shall be published as provided by law but not less than once in a newspaper of general circulation within the State and within the county provided that matters of internal management shall not be subject to the publication requirement. [Eff. SEP 07 1982
(Auth: HRS §91-2, 171-6) (Imp: HRS §§91-9, 91-9.5)

§13-1-31 Parties. (a) The following persons or agencies shall be admitted as a party:

- (1) The petitioner shall be a party.
- (2) All government agencies whose jurisdiction includes the land in question may be admitted as parties upon timely application.
- (3) All persons who have some property interest in the land, who lawfully reside on the land, who are adjacent property owners, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application.
- (4) Other persons who can show a substantial interest in the matter may apply to be a party. The presiding officer or the board may approve the application only if the applicant's participation will substantially assist the board in its decision making.

(b) The presiding officer or the board as provided by law may deny any application to be a party when it appears that:

- (1) The position of the applicant for participation is substantially the same as the position of a party already admitted to the proceedings; and
- (2) The admission of additional parties will not add substantially new information or the addition will render the proceedings inefficient and unmanageable.

(c) All persons with similar interests seeking to be admitted as parties shall be considered at the same time so far as possible.

AMENDED:

Nov. 1, 1985

(d) Where a contested case hearing has been scheduled, any other interested person who qualifies to be a party under subsection (a) may apply to participate, in accordance with this subchapter by filing a written application with the board not later than ten days before the scheduled contested case hearing. Except for good cause shown, late filings shall not be permitted.

(e) The application to become a party shall contain the following:

- (1) The nature of applicant's statutory or other right.
- (2) The tax map key number of the applicant's property as well as the petitioner's property. The nature and extent of applicant's interest.

- (3) The effect of any decision in the proceeding on applicant's interest.
 - (4) The difference in the effect of the proposed action on the applicant's interest and the effects of the proposed action on the general public.
 - (f) If relevant, the application shall also address:
 - (1) Other means available whereby applicant's interest may be protected.
 - (2) The extent the applicant's interest may be represented by existing parties.
 - (3) The extent the applicant's interest in the proceedings differs from that of the other parties.
 - (4) The extent the applicant's participation can assist in development of a complete record.
 - (5) The extent the applicant's participation will broaden the issue or delay the proceeding.
 - (6) How the applicant's intervention would serve the public interest.
 - (7) Any other information the board may add or delete.
 - (g) If any party opposes another person's application to be a party, the party may file objections for the record no later than ten days prior to the hearing.
 - (h) All applications to be a party shall be acted upon as soon as practicable and shall be decided not later than the commencement of the contested case hearing.
 - (i) A person whose petition to be admitted as a party has been denied may appeal that denial to the circuit court pursuant to section 91-14, Hawaii Revised Statutes.
- [Eff. SEP 07 1982] (Auth: HRS §§91-2, 171-6) (Imp: HRS §§91-9, 91-9.5)

Section 13-1-31 Parties. ***

(d) Where a contested case hearing has been scheduled, any other interested person who qualifies to be a party under subsection (a) may apply to participate, in accordance with this subchapter, by filing a written application with the board not later than ten days before the scheduled contested case hearing or at an earlier date as established by the board. Except for good cause shown, late filings shall not be permitted.

[Eff. 9/7/82; am NOV 1 1985] (Auth: HRS Sec. 91-2, 171-6) (Imp: HRS Sec. 91-9, 91-9.5)

§13-1-32 Conduct of hearing. (a) Contested case hearings shall be conducted in accordance with this subchapter, and chapter 91, HRS.

(b) The presiding officer shall have the power to give notice of the hearing, administer oaths, compel attendance of witnesses and the production of documentary evidence, examine witnesses, certify to official acts, issue subpoenas, rule on offers of proof, receive relevant evidence, hold conferences before and during hearings, rule on objections or motions, fix times for submitting documents, briefs, and dispose of other matters that normally and properly arise in the course of a hearing authorized by law that are necessary for the orderly and just conduct of a hearing. The board members may examine and cross-examine witnesses.

(c) The chairperson of the board shall be the presiding officer. However, the chairperson may designate another board member, an appointed representative or a master to be presiding officer unless prohibited by law.

(d) The board may conduct the hearing or, unless otherwise prohibited by law, the board in its discretion may designate a hearing officer or master to conduct contested case hearings.

(e) The presiding officer shall provide that a verbatim record of the evidence presented at any hearing is taken unless waived by all the parties. Any party may obtain a certified transcript of the proceedings upon payment of the fee established by law for a copy of the transcript.

(f) In hearings on applications, petitions, complaints, and violations, the petitioner or complainant shall make the first opening statement and the last closing argument unless the board directs otherwise. Other parties shall be heard in such order as the presiding officer directs. After all parties close their case, the department may make its recommendations, if any.

(g) Where a party is represented by more than one counsel, they may allocate witnesses between them but only one of the counsel shall be permitted to cross-examine a witness or to state any objections or to make closing arguments.

(h) Each party shall have the right to conduct such cross-examinations of the witnesses as may be required for a full and true disclosure of the relevant facts and shall have the right to submit rebuttal evidence, subject to limitation by the presiding officer.

(i) To avoid unnecessary or repetitive evidence, the presiding officer may limit the number of witnesses, the extent of direct or cross examination or the time for testimony upon a particular issue, subject to law. [Eff. (Auth: HRS §§91-2, 171-6) (Imp: HRS §§91-9, 92-16)]

(j) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default. [Eff. SEP 07 1982] (Auth: HRS §§91-2, 171-6) (Imp: HRS §91-9(d))

§13-1-33 Procedure for witnesses. (a) Witnesses may be subpoenaed as set forth below:

- (1) Requests for the issuance of subpoenas, requiring the attendance of a witness for the purpose of taking oral testimony before the board shall be in writing, and shall state the reasons why the testimony of the witness is believed to be material and relevant to the issues involved. Only parties or a board member may request the issuance of a subpoena.
- (2) Request for the issuance of subpoenas for the production of documents or records shall be in writing, shall specify the particular document or record, or part thereof, desired to be produced; and shall state the reasons why the production thereof is believed to be material and relevant to the issues involved. Only parties or a board member may request the issuance of a subpoena *duces tecum*.

(b) Subpoenas may be issued by the presiding officer. No subpoena shall be issued unless the party requesting the subpoena has complied with this section giving the name and address of the desired witness and tendering the proper witness and mileage fees. Signed and sealed blank subpoenas shall not be issued to anyone. The name and address of the witness shall be inserted in the original subpoena, a copy of which shall be filed in the proceeding. Subpoenas shall state at whose request the subpoena is issued. Requests for subpoenas shall be filed not later than three days before the scheduled hearing.

(c) Witnesses summoned shall be paid the same fees and mileage as are paid witnesses in circuit courts of the State of Hawaii and such fees and mileage shall be paid by the party at whose request the witness appears.

[Eff. SEP 07 1982] (Auth: HRS §§91-2, 171-6)

(Imp: HRS §92-16)

§13-1-34 Motions. (a) All motions other than those made during a hearing shall be made in writing to the board, shall state the relief sought, and shall be accompanied by an affidavit or memorandum setting forth the grounds upon which they are based. The presiding officer shall set the time for all motions and opposing memorandum, if any.

(b) The moving party shall serve a copy of all motions on all other parties at least forty-eight hours prior to the hearing on the motion and shall file with the board the original with proof of service.

(c) A memorandum in opposition or a counter affidavit shall be served on all parties not later than twenty-four hours prior to the hearing. The original and proof of service shall be filed with the board.

(d) Failure to serve or file a memorandum in opposition to a motion or failure to appear at the hearing shall be deemed a waiver of objection to the granting or denial of the motion. [Eff SEP 07 1982] (Auth: HRS §§91-2, 171-6)
(Imp: HRS §91-7)

§13-1-35 Evidence. (a) The presiding officer may exercise discretion in the admission or rejection of evidence and the exclusion of immaterial, irrelevant, or unduly repetitious evidence as provided by law with a view to doing substantial justice.

(b) The presiding officer shall rule on the admissibility of all evidence. The rulings may be reviewed by the board in determining the matter on its merits.

(c) When objections are made to the admission or exclusion of evidence, the grounds relied upon shall be stated briefly. Formal exceptions to rulings are unnecessary and need not be taken.

(d) An offer of proof for the record shall consist of a statement of the substance of the evidence to which objection has been sustained, or the submission of the evidence itself.

(e) With the approval of the presiding officer, a witness may read testimony into the record on direct examination. Before any prepared testimony is read, unless excused by the presiding officer, the witness shall deliver copies thereof to the presiding officer and all counsel parties. Admissibility shall be subject to the rules governing oral testimony. If the presiding officer deems that substantial saving in time will result, a copy of the prepared testimony may be received in evidence without reading, provided that copies thereof shall have been served upon all parties and the presiding officer five days before the hearing or if such prior service is waived, to permit proper cross examination of the witnesses on matters contained in the prepared testimony.

(f) If relevant and material matter is offered in evidence in a document containing other matters, the party offering it shall designate specifically the matter so offered. If the other matter in the document would burden the record, at the discretion of the presiding officer, the relevant and material matter may be read into the record or copies of it received as an exhibit. Other parties shall be afforded opportunity at the time to examine the document, and to offer in evidence other portions believed material and relevant.

(g) Exhibits shall be prepared as follows:

(1) Documents, pleadings, correspondence and other exhibits shall be legible and must be prepared on paper either 8-1/2 x 13 inches or 8-1/2 x 11 inches in size. Charts and other oversize exhibits must be bound or

folded to the respective approximate size, where practical. Wherever practicable, sheets of each exhibit shall be numbered and data and other figures shall be set forth in tabular form.

- (2) When exhibits are offered in evidence, the original and eight copies, unless otherwise waived by the board, shall be furnished to the presiding officer for the board's use with adequate copies for review by other parties, unless the copies have been previously furnished or the presiding officer directs otherwise.

(h) If any matter contained in a document on file as a public record with the department is offered in evidence, unless directed otherwise by the presiding officer, the document need not be produced as an exhibit, but may be received in evidence by reference, provided that the particular portions of the document are specifically identified and otherwise competent, relevant, and material. If testimony in proceedings other than the one being heard is offered in evidence, a copy shall be presented as an exhibit, unless otherwise ordered by the presiding officer.

(i) Official notice may be taken of such matters as may be judicially noticed by the courts of the State of Hawaii. Official notice may also be taken of generally recognized technical or scientific facts when parties are given notice either before or during the hearing of the material so noticed and afforded the opportunity to contest the facts so noticed.

(j) At the hearing, the presiding officer may require the production of further evidence upon any issue. Upon agreement of the parties, the presiding officer may authorize the filing of specific documentary evidence as a part of the record within a fixed time. [Eff. **SEP 07 1982**
(Auth: HRS §§91-2, 171-6) (Imp: HRS §§91-9, 91-10)

§13-1-36 Prehearing conferences; exchange of exhibits; briefs. (a) The presiding officer may hold or cause to be held pre-hearing conferences with the parties for the purpose of formulating or simplifying the issues, arranging for the exchange of proposed exhibits or proposed written testimony, setting of schedules, exchanging names of witnesses, limitation of number of witnesses, and such other matters as may expedite orderly conduct and disposition of the proceeding as permitted by law.

(b) The presiding officer may request briefs setting forth the issues, facts and legal arguments upon which the parties intend to rely and the presiding officer may fix the conditions and time for the filing of briefs and the number of pages. Exhibits may be reproduced in an appendix to a brief. A brief of more than twenty pages shall contain a subject index and table of authorities. [Eff. SEP 07 1982]
(Auth: HRS §§91-2, 171-6) (Imp: HRS §91-9)

§13-1-37 Correction of transcript. Motions to correct the transcript shall be made within five days after receipt of the transcript and shall be acted upon by the presiding officer. [Eff. SEP 07 1982] (Auth: HRS §§91-2, 171-6)
(Imp: HRS §91-10)

§13-1-38 Disqualification. No board member shall sit in any proceeding in which the member has any pecuniary or business interest involved in the proceeding or who is related within the first degree by blood or marriage to any party to the proceeding. If, after declaring any pecuniary interest or consanguinity to the parties, the parties do not oppose the member from sitting in a proceeding, the record shall note clearly the waiver by the parties. [Eff. SEP 07 1982] (Auth: HRS §§91-2, 171-6) (Imp: HRS §§84-14, 91-13, 171-4)

§13-1-39 Ex parte (single party) communications.

(a) No party or person petitioning to be a party to a proceeding before the board nor their employees, representatives or agents shall make an unauthorized ex parte communication either oral or written concerning the contested case to any member of the board who will be a participant in the decision-making process.

(b) The following classes of ex parte communications are permitted:

- (1) Those which relate solely to matters which a board member is authorized by the board to dispose of on ex parte basis.
- (2) Requests for information with respect to the status of a proceeding.
- (3) Those which all parties to the proceeding agree or which the board has formally ruled may be made on an ex parte basis.
- (4) Those with representatives of any news media on matters intended to inform the general public. [Eff. SEP 07 1982] (Auth: HRS §§91-2, 171-6) (Imp: HRS §91-13)

§13-1-40 Decisions and orders. (a) A proceeding shall be deemed submitted for decision by the board after the taking of evidence, the filing of briefs, the consideration of motions, and the presentation of oral argument as may have been permitted or prescribed by the presiding officer. Where a hearing officer has conducted the hearing, the hearing officer shall file a report with the evidence, or a summary thereof, as well as proposed findings of facts and conclusions of law which the board may adopt, reject or modify. A party to the proceedings may submit a proposed decision and order which shall include proposed findings of fact and conclusions of law. The proposals shall be filed with the board and mailed to each party to the proceeding not later than ten days after the transcript is prepared and available, unless the presiding officer shall otherwise prescribe.

(b) Within the time established by law, if any, or within a reasonable time after the hearing, the board shall render its findings of fact, conclusions of law and decision and order approving the proposal, denying the proposal, or modifying the proposal by imposing conditions. The vote of each member shall be recorded. Upon agreement by the parties, the examination and proposed decision provisions under section 91-11, HRS, may be waived pursuant to section 91-9(d), HRS.

(c) Every decision and order adverse to a party to the proceeding, rendered by the board in a contested case, shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings of fact, the board shall incorporate in its decision a ruling upon each proposed findings so presented.

(d) Decisions and orders shall be served by mailing copies thereof to the parties of record. When service is not accomplished by mail, it may be effected by personal delivery of a certified copy. When a party to an application proceeding has appeared by a representative, service upon the representative or counsel shall be deemed to be service upon the party. [Eff. SEP 07 1982] (Auth: HRS §§91-2, 171-6) (Imp: HRS §91-12)

§13-1-41 Reconsideration. (a) The board may reconsider a decision it has made on the merits only if the moving party can show:

(1) New information not previously available would affect the result; or

(2) That a substantial injustice would occur.

(b) In either case, a motion for reconsideration shall be made not later than five business days after the decision or any deadline established by law for the disposition of the subject matter, whichever is earlier. [Eff. SEP 07 1982]
(Auth: HRS §§91-2, 171-6) (Imp: HRS §§91-11, 91-12)

§13-1-42 Appeals. Parties to proceedings who are aggrieved by the decision of the board may obtain judicial review thereof in the manner set forth in section 91-14, Hawaii Revised Statutes, provided that the court may also reverse or modify a finding of the board if such finding appears to be contrary to the clear preponderance of the evidence. [Eff. SEP 07 1982] (Auth: HRS §§91-2, 91-14) (Imp: HRS §§91-14, 91-15)."

DEPARTMENT OF LAND AND NATURAL RESOURCES

Amendments to Chapters 13-1 and 13-2
Hawaii Administrative Rules
August 23, 1985

SUMMARY

1. Section 13-1-31(d) is amended
2. Section 13-2-9 is amended

Amendments to Chapters 13-1 and 13-2
Hawaii Administrative Rules

1. Section 13-1-31, Hawaii Administrative Rules, is amended by amending subsection (d) to read as follows:

"(d) Where a contested case hearing has been scheduled, any other interested person who qualifies to be a party under subsection (a) may apply to participate, in accordance with this subchapter by filing a written application with the board by not later than ten days before the scheduled contested case hearing or at an earlier date as established by the Board. Except for good cause shown, late filings shall not be permitted." [Eff. 9/7/82; am] (Auth: HRS Secs. 91-2, 171-6) (Imp: HRS Secs. 91-9, 91-9.5)

2. Section 13-2-9, Hawaii Administrative Rules, is amended to read as follows:

"Section 13-2-9 Establishment. [(a)] There are hereby established subzones within the conservation district, [said] the subzones being delineated on maps on file with the office of the lieutenant governor and the department identified as follows:

- (1) "H-1, Makalawena," Hawaii, June 4, 1978
- (2) "H-2, Keahole Point," Hawaii, [June 4, 1978] August 23, 1985
- (3) "H-3, Mahukona," Hawaii, [June 4, 1978] August 23, 1985
- (4) "H-4, Keawanui Bay," Hawaii, June 4, 1978
- (5) "H-5, Anaehoomalu," Hawaii, June 4, 1978
- (6) "H-6, Kiholo," Hawaii, [June 4, 1978] August 23, 1985
- (7) "H-7, Kailua," Hawaii, [June 4, 1978] August 23, 1985
- (8) "H-8, Kealakekua," Hawaii, June 4, 1978
- (9) "H-9, Honaunau," Hawaii, June 4, 1978
- (10) "H-10, Kaulua Point," Hawaii, June 4, 1978
- (11) "H-11, Milolii," Hawaii, [June 4, 1978] August 23, 1985
- (12) "H-12, Manuka Bay," Hawaii, June 4, 1978
- (13) "H-13, Hawi," Hawaii, June 4, 1978
- (14) "H-14, Kawaihae," Hawaii, June 4, 1978
- (15) "H-15, Puu Hinai," Hawaii, June 4, 1978

- (16) "H-16, Puu Anahulu," Hawaii, June 4, 1978
(17) "H-17, Hualalai," Hawaii, June 4, 1978
(18) "H-18, Puu Lehua," Hawaii, June 4, 1978
(19) "H-19, Kaunene," Hawaii, June 4, 1978
(20) "H-20, Puu Pohakuloa," [June 4, 1978]
August 23, 1985
(21) "H-21, Papa," Hawaii, June 4, 1978
(22) "H-22, Pohue Bay," Hawaii, [June 4, 1978]
August 23, 1985
(23) "H-23, Puu Hou," Hawaii, June 4, 1978
(24) "H-24, Honokane," Hawaii, June 4, 1978
(25) "H-25, Kamuela," Hawaii, June 4, 1978
(26) "H-26, Nohosohae," Hawaii, June 4, 1978
(27) "H-27, Keamuku," Hawaii, June 4, 1978
(28) "H-28, Naeheleelua," Hawaii, [June 4, 1978]
August 23, 1985
(29) "H-29, Puu O Uo," Hawaii, [June 4, 1978]
August 23, 1985
(30) "H-30, Sulphur Cone," Hawaii, [June 4,
1978] August 23, 1985
(31) "H-31, Alike Cone," Hawaii, June 4, 1978
(32) "H-32, Puu o Keokeo," Hawaii, June 4, 1978
(33) "H-33, Kahuku Ranch," Hawaii, June 4, 1978
(34) "H-34, Ka Lae," Hawaii, June 4, 1978
(35) "H-35, Kukuihaele," Hawaii, June 4, 1978
(36) "H-36, Makahalaui," Hawaii, June 4, 1978
(37) "H-37, Ahumoa," Hawaii, June 4, 1978
(38) "H-38, Puu Koli," Hawaii, June 4, 1978
(39) "H-39, Kokoolau," Hawaii, June 4, 1978
(40) "H-40, Mauna Loa," Hawaii, June 4, 1978
(41) "H-41, Kealiwa Reservoir," Hawaii, June 4,
1978
(42) "H-42, Punaluu," Hawaii, [June 4, 1978]
August 23, 1985
(43) "H-43, Naalehu," Hawaii, June 4, 1978
(44) "H-44, Honokaa," Hawaii, June 4, 1978
(45) "H-45, Umikoa," Hawaii, June 4, 1978
(46) "H-46, Mauna Kea," Hawaii, June 4, 1978
(47) "H-47, Puu Oo," Hawaii, June 4, 1978
(48) "H-48, Puu Ulaula," Hawaii, June 4, 1978
(49) "H-49, Kipuka Pakekake," Hawaii, June 4,
1978
(50) "H-50, Wood Valley," Hawaii, June 4, 1978
(51) "H-51, Pahala," Hawaii, June 4, 1978
(52) "H-52, Kukaiaui," Hawaii, June 4, 1978
(53) "H-53, Keanakolu," Hawaii, June 4, 1978

- (92) "Mo-1, Ililo Point," Molokai, June 4, 1978
- (93) "Mo-2, Molokai Airport," [June 4, 1978]
August 23, 1985
- (94) "Mo-3, Kaunakakai," Molokai, [June 4, 1978]
August 23, 1985
- (95) "Mo-4, Kamalo," Molokai, June 4, 1978
- (96) "Mo-5, Halawa," Molokai, June 4, 1978
- (97) "Lanai," June 4, 1978
- (98) "Kahoolawe," June 4, 1978
- (99) "O-1, Kaena," Hawaii, June 4, 1978
- (100) "O-2, Waianae," Oahu, June 4, 1978
- (101) "O-3, Waiimea," Oahu, June 4, 1978
- (102) "O-4, Haleiwa," Oahu, [June 4, 1978]
August 23, 1985
- (103) "O-5, Schofield Barracks," Oahu, June 4, 1978
- (104) "O-6, Ewa," Oahu, June 4, 1978
- (105) "O-7, Kahuku," Oahu, June 4, 1978
- (106) "O-8, Hauula," Oahu, June 4, 1978
- (107) "O-9, Waipahu," Oahu, June 4, 1978
- (108) "O-10, Puuloa," Oahu, [June 4, 1978]
August 23, 1985
- (109) "O-11, Kahana," Oahu, June 4, 1978
- (110) "O-12, Kaneohe," Oahu, [June 4, 1978]
August 23, 1985
- (111) "O-13, Honolulu," Oahu, [June 4, 1978]
August 23, 1985
- (112) "O-14, Mokapu," Oahu, [June 4, 1978]
August 23, 1985
- (113) "O-15, Koko Head," Oahu, [June 4, 1978]
August 23, 1985
- (114) "K-1, Makaha Point," Kauai, June 4, 1978
- (115) "K-2, Kekaha," Kauai, June 4, 1978
- (116) "K-3, Haena," Kauai, [June 4, 1978]
August 23, 1985
- (117) "K-4, Waiimea Canyon," Kauai, June 4, 1978
- (118) "K-5, Hanapepe," Kauai, June 4, 1978
- (119) "K-6, Hanalei," Kauai, June 4, 1978
- (120) "K-7, Maialeale," Kauai, June 4, 1978
- (121) "K-8, Koloa," Kauai, [June 4, 1978]
August 23, 1985
- (122) "K-9, Anahola," Kauai, June 4, 1978
- (123) "K-10, Kapaa," Kauai, [June 4, 1978]
August 23, 1985
- (124) "K-11, Lihue," Kauai, [June 4, 1978]
August 23, 1985

[Eff: 6/21/81; am] (Auth: HRS Sec.
183-41) (Imp: HRS Sec. 183-41)

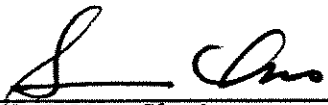
- (54) "H-54, Puu Akala," Hawaii, June 4, 1978
- (55) "H-55, Upper Piihonua," Hawaii, June 4, 1978
- (56) "H-56, Kulani," Hawaii, June 4, 1978
- (57) "H-57, Kilauea Crater," Hawaii, [June 4, 1978] August 23, 1985
- (58) "H-58, Kau Desert," Hawaii, June 4, 1978
- (59) "H-59, Naliikakani Point," Hawaii, June 4, 1978
- (60) "H-60, Papaaloa," Hawaii, [June 4, 1978] August 23, 1985
- (61) "H-61, Akaka Falls," Hawaii, June 4, 1978
- (62) "H-62, Piihonua," Hawaii, June 4, 1978
- (63) "H-63, Puu Makaala," Hawaii, June 4, 1978
- (64) "H-64, Volcano," Hawaii, June 4, 1978
- (65) "H-65, Makaopuhi Crater," Hawaii, June 4, 1978
- (66) "H-66, Papaikou," Hawaii, June 4, 1978
- (67) "H-67, Hilo," Hawaii, June 4, 1978
- (68) "H-68, Mountain View," Hawaii, June 4, 1978
- (69) "H-69, Kalalua," Hawaii, June 4, 1978
- (70) "H-70, Kalapana," Hawaii, [June 4, 1978] August 23, 1985
- (71) "H-71, Keaau Ranch," Hawaii, June 4, 1978
- (72) "H-72, Pahoa North," Hawaii, June 4, 1978
- (73) "H-73, Pahoa South," Hawaii, June 4, 1978
- (74) "H-74, Kapoho," Hawaii, June 4, 1978
- (75) "M-1, Honolua," Maui, June 4, 1978
- (76) "M-2, Lahaina," Maui, June 4, 1978
- (77) "M-3, Olowalu," Maui, June 4, 1978
- (78) "M-4, Kahakuloa," Maui, June 4, 1978
- (79) "M-5, Wailuku," Maui, June 4, 1978
- (80) "M-6, Maalaea," Maui, June 4, 1978
- (81) "M-7, Paia," Maui, June 4, 1978
- (82) "M-8, Puu O Kali," Maui, June 4, 1978
- (83) "M-9, Makena," Maui, June 4, 1978
- (84) "M-10, Haiku," Maui, [June 4, 1978] August 23, 1985
- (85) "M-11, Kilohana," Maui, [June 4, 1978] August 23, 1985
- (86) "M-12, Lualailua," Maui, June 4, 1978
- (87) "M-13, Keanae," Maui, June 4, 1978
- (88) "M-14, Nahiku," Maui, June 4, 1978
- (89) "M-15, Kaupo," Maui, June 4, 1978
- (90) "M-16, Hana," Maui, [June 4, 1978] August 23, 1985
- (91) "M-17, Kipahulu," Maui, June 4, 1978

3. Material, except source notes, to be repealed is bracketed. New material is underscored.

4. Additions to update source notes to reflect these amendments are not underscored.

5. These amendments to sections 13-1-31(d), and 13-2-9 shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on August 23, 1985, and filed with the Lieutenant Governor.



SUSUMU ONO, Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:




Deputy Attorney General

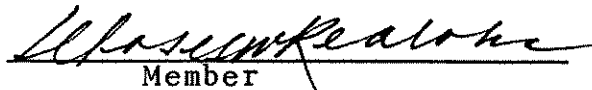
DEPARTMENT OF LAND AND NATURAL RESOURCES

The amendments to sections 13-1-31(d), and 13-2-9 were adopted on August 23, 1985 by the Board of Land and Natural Resources following public hearings held on July 16, 1985 after public notice was given in the Honolulu Star-Bulletin, Honolulu Advertiser, Garden Isle, Maui News, Hawaii Tribune Herald, on June 25, 1985.

These amendments to sections 13-1-31(d), and 13-2-9 shall take effect ten days after filing with the Office of the Lieutenant Governor.

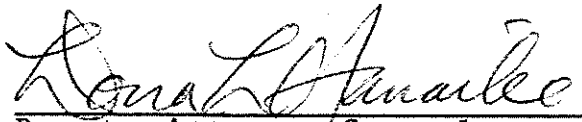


Chairperson and Member
Board of Land and
Natural Resources




Member
Board of Land and
Natural Resources

APPROVED AS TO FORM:



Deputy Attorney General



George R. Ariyoshi
Governor
State of Hawaii

Date: 10-18-85

Filed

REC'D BY

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